

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PROPOSED)
CREATION OF A WATER DISTRICT IN)
THE ST. ANTHONY-REXBURG AREA)
WITHIN THE EASTERN SNAKE PLAIN)
AQUIFER IN ADMINISTRATIVE BASINS)
21 AND 22)
_____)

NOTICE OF PUBLIC HEARING

The Director of the Idaho Department of Water Resources (“Director”) is authorized to divide the state into water districts for the purpose of distributing water among appropriators under the laws of the State of Idaho. The authority to create water districts applies to those streams, or other water sources, including ground water, for which the priorities of appropriation have been adjudicated by court decree. During a water rights adjudication, Idaho Code § 42-1417 authorizes the district court to approve interim administration of the rights by the Director if reasonably necessary to protect senior rights. The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with a Director’s Report as may be modified by the court’s order.

On May 1 and May 25, 2006, the Snake River Basin Adjudication (“SRBA”) District Court issued orders authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the SRBA Director’s Reports in Administrative Basin 21, and Administrative Basin 22 Part 1 Ground Water (ground water within the Eastern Snake Plain Aquifer), and partial decrees that have superseded the Director’s Reports (copies of the SRBA Court orders are posted on the Department’s website: www.idwr.idaho.gov/water/districts/WD100.htm). The Director proposes to create a permanent water district within portions of Administrative Basins 21 and 22 overlying the Eastern Snake Plain Aquifer (“ESPA”) as shown in the map below, and hereafter referred to as the “St. Anthony-Rexburg Area Water District,” or “Water District No. 100.”

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-604, that the Director of the Department of Water Resources will conduct a public hearing regarding the proposed creation of the water district as follows:

PUBLIC HEARING FOR PROPOSED WATER DISTRICT:

**7:00 PM, Tuesday, November 14, 2006
Best Western Cotton Tree Inn
450 W 4th S, Rexburg, Idaho.**

Information and testimony presented at the hearing on November 14, 2006 will create a record upon which the Director will rely to determine whether formation of a water district is appropriate, and if so, how the district should be formed. It is important that holders of water rights understand and participate in the hearing process. The Director will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to provide oral testimony regarding the creation of the proposed district. Written comments may also be submitted to the Director at the hearing or at any time prior to the close of the written comment period set for

November 24, 2006. Written comments not presented at the hearing can be sent to the Director to be received at the Department of Water Resources, P. O. Box 83720, Boise, Idaho, 83720-0098, no later than November 24, 2006.

At the hearing, the Director will present information about why he is proposing creation of the district, and a timeline for district formation and operation. The Director will also present information about the status of any ESPA delivery calls and related litigation. The Director proposes creation of one water district for those portions of Administrative Basins 21 and 22 overlying the ESPA. The district will have responsibility for administration of water rights from ground water sources. The Director proposes that the District become operational in 2007. Upon creation of the water district, a meeting of the holders of water rights within the district will be held during this winter for the purpose of electing a watermaster and conducting other business necessary to initiate operation of the district. The Director proposes that the water district watermaster be responsible for certain duties under the direction and supervision of the Director including: (1) measurement and reporting of diversions under water rights; (2) administration of water rights in priority; (3) curtailment and enforcement against unauthorized or excessive diversions; and (4) enforcement of stipulated agreements or mitigation plans approved by the Director.

The proposed water district will replace the measurement and reporting responsibilities of the East ESPA Water Measurement District that currently exists in those portions of Basins 21 and 22 within the ESPA boundary as shown on the attached map.

The Director proposes that all ground water rights with points of diversion located within the boundaries of the proposed district be included in the district, except those used solely for domestic and/or stock water purposes as defined in Idaho Code § 42-111. Permitted and licensed rights not decreed in the SRBA and/or not included in SRBA Director's Reports, and all future rights that may be permitted are subject to inclusion within the proposed water district unless used solely for domestic and/or stock water purposes. This notice of hearing has been sent to all water right holders of record in accordance with these criteria.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in, or understand the hearing, please contact the Department of Water Resources at least 10 days prior to the hearing.

If you have questions concerning this notice, please call the Department of Water Resources hotline at (800) 451-4129. You can also contact the Department's regional office in Idaho Falls at (208) 525-7161 or the state office in Boise at (208) 287-4958.

DATED this 18th day of October 2006



KARL J. DREHER
Director

Water District No. 100 St. Anthony-Rexburg Area

